

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FILED

UNITED STATES OF AMERICA '07 MAR 19 10:41

v.

CLERK *
U.S. DISTRICT COURT NO. 07-24-E

*

SHAUN LANAIL BENNAFIELD
Defendant

*

MOTION TO AMEND 28 U.S.C 2255 Pursuant to Rule 15(a) of the
F.R.CIV.P.

FACTS

NOW COMES, SHAUN BENNAFIELD, pursuant to rule 15(a) asking the
court to amend his 2255 to included the issue below.

ARGUMENT

The Appeals court in U.S. v. Pickett D.C. Cir No. 05-3179,
(2/13/07); decided that a federal district court imposing a sentence
for a crack cocaine offense has an obligation to consider
applying the U.S. Sentencing Guidelines 100:1 crack to powder sentencing
sentencing ratio will effectuate the general sentencing goals set
out in 18 U.S.C. § 3553(a) also see U.S. v Gunter, 462 F.3d 237,
79 CRL 776 (3d Cir. 2006).

The defendant contends that due to counsel's ineffectiveness
the issue of the disparity of the crack to powder ratio was not
argued at sentencing; therefore, the defendant would like to
his 28 U.S.C. 2255 to have his crack to powder ratio issue reviewed
by this court.

RESPECTFULLY

SHAUN BENNAFIELD

Shaun Bennafield 3-15-07

CERTIFICATE OF SERVICE

I SHAUN BENNAFIELD swear that a copy of this amendment was sent by first class mail to the person below on 3-15-07.

U.S. ATTORNEY
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17 South Park Row
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Respectfully

Shaun Bennafiel
Shaun Bennafield